

EXHIBIT “K”

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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TERESA MCCOY,

Plaintiff,

Civil Action No.:
21-cv-04907

AFFIDAVIT

-against-

THE TJX COMPANIES, INC.,

Defendant.

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STATE OF NEW YORK }
 } ss.:
COUNTY OF KINGS }

I, **Joseph Baglivio**, being duly sworn, deposes and says:

1. I am currently employed as Operations Manager of the HomeGoods located on Nostrand Avenue, Brooklyn, New York.

2. On July 28, 2019, I was employed at the HomeGoods located on Columbus Avenue, New York, New York as a Merchandise Manager.

3. As such, my duties included ensuring the goods were flowed to the sales floor, merchandising sections of the store to standards and performing recovering throughout the store.

4. I was working on July 28, 2019 when I was advised over the radio that the plaintiff was involved in an incident in the power aisle on the second floor in an area containing merchandise for sale on platforms.

5. Plaintiff told me that she sat on a stool on the floor not realizing it was two stools on top of another causing her to fall.

6. The stools had four wooden legs with a white mesh covering. Stools were displayed on platforms five to six inches off the ground and not directly on the sales floor.

7. I walked throughout the store every 30 to 40 minutes looking for any conditions that needed to be addressed and did so on July 28, 2019.

8. I was in the area of plaintiff's incident no more than 40 minutes prior to the incident and did not observe the stools out of place or off the platforms at that time.

9. I did not observe two stools on top of each other when I was last in the area 40 minutes prior to the incident. Had I seen it I would have immediately corrected it.

10. I am unaware of any prior complaints being made about similar types of stools on the premises.

11. I am unaware of any prior similar incidents occurring on the premises.

Dated: 8/6/21

Sworn to before me on this
08 day of August, 2021

M. Azzaretto

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Joseph Baglivio
Joseph Baglivio

Mary C. Azzaretto
Notary Public, State of New York
Reg. No. 02AZ6234719
Qualified in Suffolk County
My Commission Expires on 1/24/2023

NOTARY PUBLIC

09/02/22